



# THE COURT *Legacy*

The Historical Society of the United States District Court  
For the Eastern District of Michigan ©1997

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Fall 1997

## Law and Republicanism in Territorial Wayne County

By *Yvonne Pitts*

On July 11, 1796, British Lieutenant Colonel Richard England transferred sovereign authority to American army captain, Moses Porter at Fort Lernoult, located behind the Detroit settlement. On the face of it, this was an odd development; the American Revolution, ended in 1783, and the Northwest Ordinance of 1787 established law and government in the Northwest Territory, including the area later known as Michigan. Due to disputes involving the 1783 Paris Treaty, the British refused to evacuate several forts in the American backcountry. Only in the 1794 Jay's Treaty did the Crown agree to relinquish sovereign command. British subjects had one year to decide for or against American citizenship.

The relatively smooth transfer of authority in 1796 masked underlying legal and cultural tension. Prominent merchant John Askin, among others, articulated a desire to remain British. Other inhabitants composed a melting pot of competing ethnic and racial groups; the French, enslaved Africans, indigenous peoples, a scattering of Dutch and German nationals, and most recently, citizens of the new United States. Many residents actively disliked Americans. The British had been monarchists; Americans were republicans. Although England and the United States identified with the common law tradition, the frontier residents had absorbed certain French practices (in land and contract law especially) in order to maintain social peace. British common lawyers and French civilian lawyers worked from radically different rules and precepts. Making matters worse, when Detroit commenced its American career, all inhabitants except one naturalized Frenchman, Peter Audrain, were

foreigners whose loyalty to the United States was questionable at best.

Nor were the territory's first magistrates animated entirely by visions of the public good. The officers appointed by Congress to govern the territory included Governor Arthur St. Clair (Winthrop Sargent served as Acting Governor in St. Clair's absence), and seven judges: Samuel Holden Parsons, Mitchell T. Varnum, John Cleves Symmes, George Turner, Rufus Putnam, Joseph Gilman, and Return Johnathon Meigs, Jr. This territorial elite actively speculated in real estate, notably by means of the Ohio Company, which wielded great influence in the territory and shaped key provisions of the Northwest Ordinance. In 1789, Governor St. Clair expressed great apprehension about potential conflicts of interest: the new judges, he wrote, were "deeply interested as Proprietors, in the tracts of Country. ... It may be a Question whether some inconveniences may not arise from the last Circumstance."

The Ordinance of 1787 combined a passion for democratic rule with a hierarchal political system designed to temper the excess of the common man. It created a two stage territorial government. The first stage mandated the appointment of a governor and three judges for three year terms. A majority of this group adopted civil and criminal laws from the original states. The second phase, initiated once the territorial population equaled five thousand "free male inhabitants," created a territorial legislature comprised of the governor, a council, and elected representatives. The Ordinance gave broad grants of civil liberties to inhabitants; they included religious freedom, the right

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**THE COURT LEGACY**

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**Special thanks to**  
Sheila Harrison  
for her layout and design skills.

to habeas corpus, and trial by jury. It protected American Indian property rights and decreed "There shall be neither Slavery nor involuntary Servitude," although Africans and Indians previously held in bondage remained enslaved.

In establishing a legal order, Arthur St. Clair therefore labored to hedge the new territory against disaster. He had served as a delegate and later president to the Continental Congress, county court judge and regional militia leader in Pennsylvania where he owned vast land tracts. Variousy described as a "staunch Federalist" or an "unbending autocrat," St. Clair wanted a strong government capable of preserving both order and republican liberties. With many of his peers, he saw America as a land specifically ordained by God to advance freedom and realize God's morality on earth. In this formulation, law played an important role as a particularly powerful instrument of social ordering and moralization.

St. Clair certainly understood the legal difficulties at hand. In 1789, he wrote George Washington of the territory's heterogeneity--the "remains of an ancient french Colony, who have been accustomed to be governed by the Laws of France, the Customs of Canada, and the arbitrary Edicts of the British Commandants after they fell under the power of Britain... Laws that are to run thro' so great an extent of Country, and are to operate upon People who have very different habits and Customs require to be very attentively considered."

With St. Clair on business in Philadelphia, and pressed on all sides to act against public disorder, Acting Governor William Sargent actually presided over the new government's formation. Three days after Sargent's arrival in Detroit on August 12, 1796, he issued a proclamation organizing Wayne County; the new entity encompassed the entire future state of Michigan (excepting the northwestern extremity of the Upper Peninsula) and parts of Indiana, Ohio, and Wisconsin. Laws borrowed from Pennsylvania mandated justices of the peace, a court of General Quarter-Sessions, and a court of common pleas in each county. A general court would ride circuit to hear appeals and capital cases. The statute also received the "rules of the common law," including rules of evidence and civil process. Sargent also

*Continued on page 9*

## Judge James Harvey's Portrait Dedicated

*By Barbara A. Heys, Staff Attorney's Office, U.S. District Court for the Eastern District of Michigan*

The United States District Court for the Eastern District of Michigan convened at a special session on July 3, 1997 to receive and dedicate the portrait of retired United States District Judge James Harvey. The presentation and dedication of Judge Harvey's portrait occurred in the courtroom of the Federal Building in Bay City, Michigan. Attending the ceremony were two circuit judges, 13 district judges, one bankruptcy judge, three magistrate judges, six active or retired state court judges, two United States Representatives, numerous relatives and friends of Judge Harvey, and court staff.

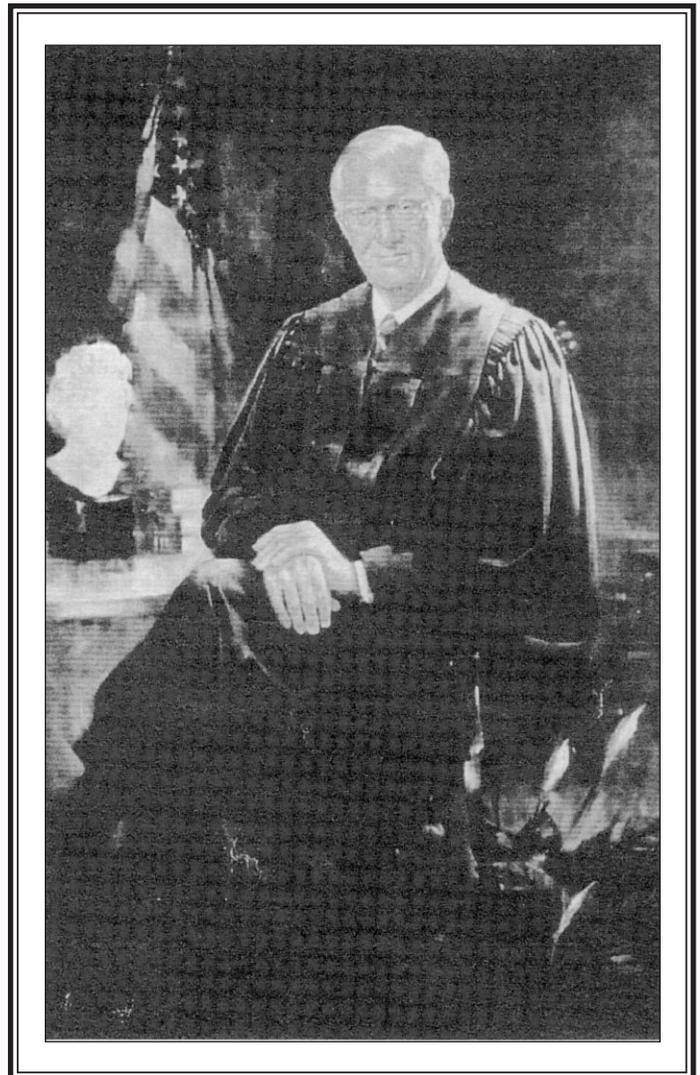
Chief United States District Judge Anna Diggs Taylor, who presided over the ceremony, made opening remarks and introductions. Former law clerk Mark T. Nelson officially presented the portrait to the Court. United States District Judge Robert H. Cleland accepted the portrait on behalf of the Court. Remarks were made by retired Saginaw Circuit Court Judge Fred J. Borchard, Michigan Court of Appeals Judge Clifford W. Taylor, and retired Michigan Supreme Court Justice Robert P. Griffin. Judge Harvey concluded the court session with his own remarks, reminiscences, and expressions of gratitude. He also introduced 18 of his former law clerks. He gave special recognition to his family, including Mrs. June Harvey, his wife of nearly 50 years.

Judge Harvey received his baccalaureate and law degrees from the University of Michigan. He was an assistant city attorney and city councilman for Saginaw, Michigan, and he was the mayor of Saginaw from 1957 to 1959. He practiced law with the original Smith and Brooker firm from 1959 to 1961. Judge Harvey represented the 8th Congressional District as a member of Congress from 1961 to 1974. On December 19, 1973, President Richard M. Nixon appointed Judge Harvey to the federal bench. Judge Harvey served the Eastern District of Michigan from February 1, 1974, to June 29, 1992.

During his tenure, Judge Harvey was a member of the Judicial Conference. He served on the Budget Committee of the Judicial Conference, as well as on

the Committee on the Judicial Branch, both for eight-year terms. In addition, he served as Chairman of the Federal Trial Judges' Association, a section of the American Bar Association, from 1983 to 1984.

Donors of Judge Harvey's portrait include Mrs. Harvey, the Harveys' children, Thomas Harvey and Diane Bradley, and Judge Harvey's former law clerks. The Saginaw County and St. Clair County Bar Associations also contributed to the project. The portrait will hang in the federal courtroom in Bay City where Judge Harvey presided for many years.



*Artist Jamie Lee McMahan of Memphis, Tennessee painted Judge Harvey's portrait. Mr. McMahan is an artist of national renown, and his work appears throughout the country. His subjects have included federal judges, senators, governors, mayors, and other prominent individuals.*

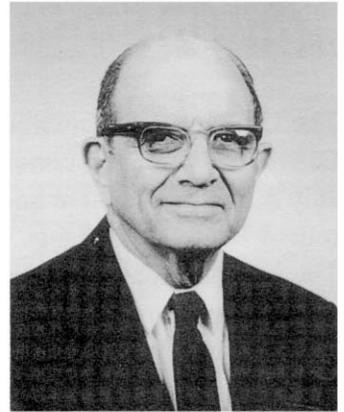
## Society Hears Murphy Historian

Approximately 50 members and guests of the Historical Society gathered October 15 in the Chief Judge's Courtroom of the Theodore Levin U.S. Courthouse to hear guest speaker Sidney Fine's eloquent address regarding *Frank Murphy: Highlights of His Public Career*. The occasion was the fifth annual meeting of the Society. Fine, a native of Cleveland and Distinguished Professor of History at the University of Michigan, is a prominent historian on the life and times of United States Supreme Court Justice Frank Murphy.

Prior to the program, Chief United States District Court Judge Anna Diggs Taylor was presented a (reformatted) video of her swearing-in ceremony in 1979 as federal judge. Trustee Dores M. McCree received a resolution recognizing her years of dedicated volunteerism and leadership of the Society

as trustee and as past president of the Board of Trustees.

An amendment to the Society's bylaws was passed to bring the number of trustees up to 18, and to authorize the Board of Trustees to fill any vacancy that may occur. United States District Court Judges Avern Cohn, John Corbett O'Meara, and Magistrate Judge Donald A. Scheer were elected to three-year terms on the Board of Trustees. Reelected to second three-year terms were Joseph Aviv, Barbara J. Rom and Sharon M. Woods.



*Sidney Fine*



## New Officers Installed

**John H. Dise, Jr.** has been elected President of the Historical Society succeeding Sharon M. Woods. Dise has served the Historical Society as Vice-President of the Board of Trustees from 1995-1997 to which he was elected in 1994. He received a J.D. degree in 1977 from the Detroit College of Law. He is principal of Dise & Associates, P.C.

**I. W. Winsten** was elected Vice-President of the Historical Society. He succeeds John H. Dise, Jr. Winsten has been a member of the Board of Trustees since 1994. He received a degree in law from Wayne State University in 1979. Winsten is a partner in the Litigation Department of Honigman, Miller, Schwartz and Cohn.



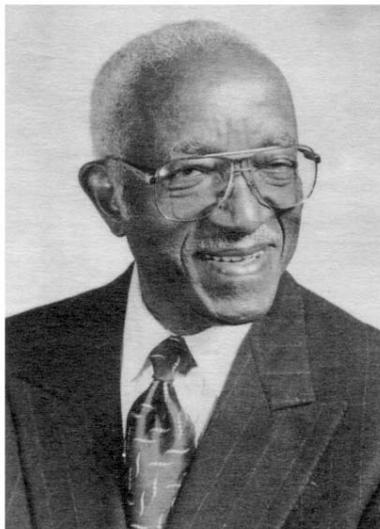
**Jeffrey A. Sadowski** is the newly elected Secretary-Treasurer of the Historical Society succeeding I. W. Winsten. Sadowski has served on the Board of Trustees since 1994. He received his law degree from the University of Michigan in 1977, and since 1982 has been a principal with Harness, Dickey & Pierce in Troy.



# John Hope Franklin Appointed to Presidential Panel

By Harold Norris

In June, 1997 President Clinton launched a historic national dialogue on race in a commencement address at the University of California at San Diego. Mr. Clinton said, "Over the coming year I want to lead the African people in a great and unprecedented conversation about race.... I have asked one of America's greatest scholars, Dr. John Hope Franklin, to chair an advisory panel of seven distinguished Americans to help me in this endeavor."



John Hope Franklin

The president stressed his vision in this scenario. "I want this panel to help educate Americans about the facts surrounding issues of race, to promote a dialogue in every community of the land to confront and work through these issues, to recruit and encourage leadership at all levels to help breach racial divides, and to find, develop and recommend

how to implement concrete solutions to our problems -- solutions that will involve all of us in government, business, communities, and as individual Americans.

He urged a role for all citizens in this enterprise. "This board will seek out and listen to Americans from all races and all walks of life. They are performing a great citizen service, but in the cause of building one America, all Americans must serve.... I will make periodic reports to the American people about our findings and what actions we all have to take to move America forward."

Dr. Franklin was the speaker in 1996 at the annual meeting of the Historical Society of the U.S. District Court. He looks upon the challenge of leading President Clinton's advisory board as "daunting... it's

one thing to study race for sixty years and publish books about it. It's quite another to be in charge of an activity that undertakes to engage the nation in a discussion on race.... The very nature of the task invites differences. What we are trying to do is reach some level where we can talk with each other, not at each other, and create a climate of accommodation and understanding."

Professor Emeritus Harold Norris, A.B., M.A., J.D., D.H.L., LL.D., is a trustee for the Historical Society. Following 13 years of private practice in Detroit, Professor Norris joined the Detroit College of Law/MSU faculty in 1961, teaching criminal and constitutional law. In 1962 he was elected delegate from Detroit to the Michigan Constitutional Convention where he authored provisions creating a freedom of expression, a right of appeal in a criminal case and a fair and just treatment in legislative and executive hearings. He also authored the prohibition of racial and religious discrimination and was one of the authors of the provision creating the Michigan Civil Rights Commission. He was vice chair of the Bill of Rights committee. Professor Norris served on several Michigan criminal law revision committees.

Norris' writings include *Mr. Justice Murphy and the Bill of Rights*, *A Casebook of Complete Criminal Trials*, *Cases on the Advocacy and Administration of Criminal Justice*, *Some Reflections on Law, Lawyers, and the Bill of Rights* and *Education for Popular Sovereignty*:

*Implementing the Constitution and the Bill of Rights*. He also wrote two books of poetry, *You Are This Nation* and *An American Mural*.



Harold Norris

## ***Society Holds Fifth Annual Meeting . . .***

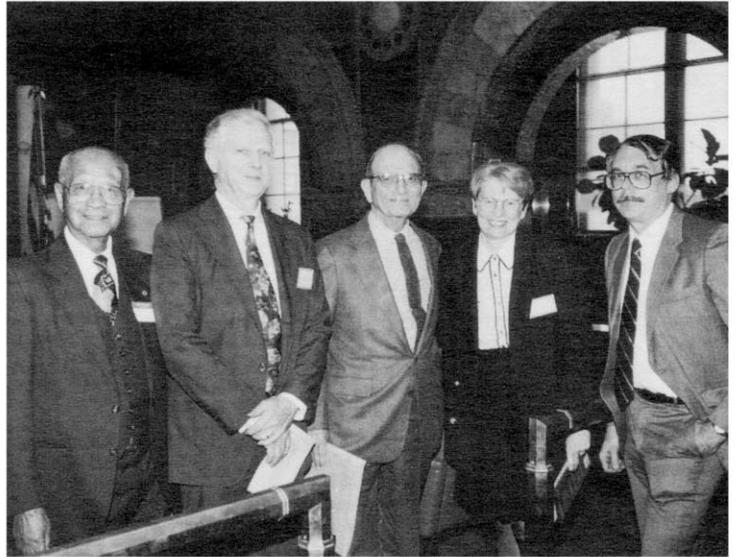


Newly elected President John H. Dise, Jr.,  
Chief Judge Anna Diggs Taylor,  
Secretary-Treasurer Jeffrey A. Sadowski,  
and Vice President I. W. Winsten.



Society President Sharon M. Woods  
presents video to Chief Judge Anna  
Diggs Taylor.

Vincente Rivera, Magistrate Judge Paul J.  
Komives, Dr. Sidney Fine, Judy Christie,  
Court Services, and Martin Cadwell, Staff  
Attorney's Office.



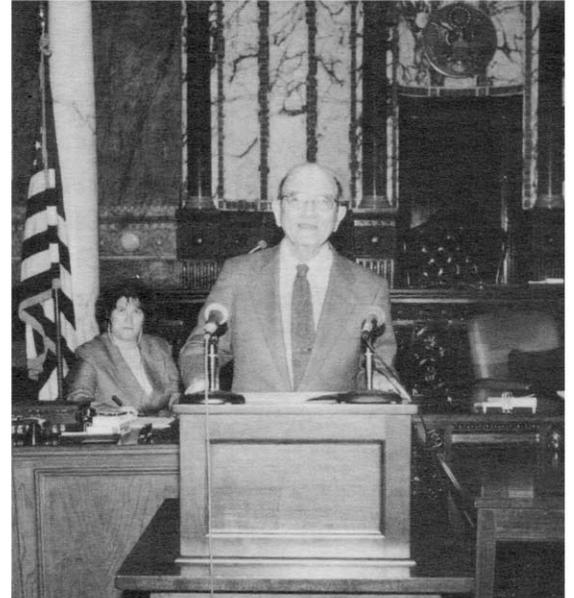
Former Society President and Trustee  
Dores M. McCree receives honorary  
resolution presented by President  
Sharon M. Woods.

Photos courtesy *Detroit Legal News*

*... Wednesday, October 15, 1997*



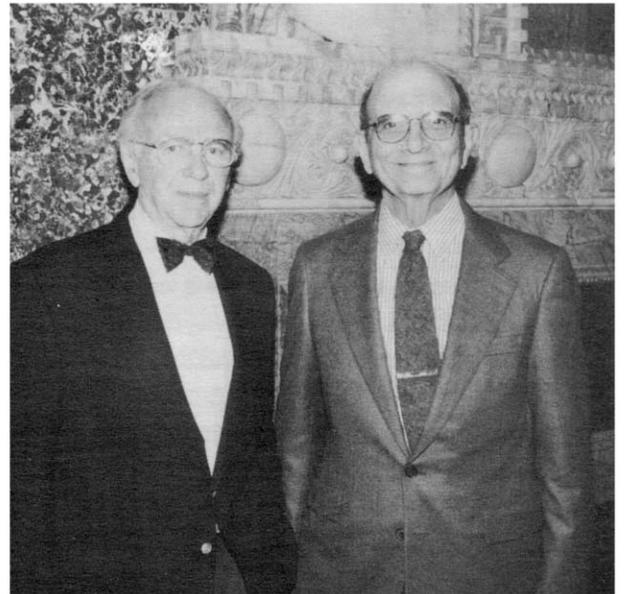
Judge John Feikens and Judge Cornelia Kennedy discuss the exhibit.



Dr. Sidney Fine addresses the audience while Mary Vozniak records his speech.



Court Services staff Theresa Hryshko, Mary Parrino, Colette Jenkins and court reporter Carol Shell Sapala enjoy the reception.



Dr. Philip P. Mason, advisor to the Board of Trustees, and Dr. Sidney Fine.



James P. Allen, Dr. Sidney Fine and Trustee Michael C. Leibson admire the "Million Dollar Courtroom."

## *Law and Republicanism . . . (cont. from page 2)*

appointed a myriad of Detroit residents to various positions--a difficult task, given the shortage of qualified citizens.

Scarcity quickly led to concentrations of power among a few. The Judicial Organization of Wayne County proclamation of August 19, 1796, named Robert Navarre, James Abbott, Lewis Beufait, James May, Joseph Noyes, Francis Navarre, and Nathan Williams as justices of the peace. Peter Audrain became court clerk, George McDouglass sheriff, and Dr. Hermann Eberts coroner. A month later, Sargent designated Beufait, May, Williams, Patrick McNiff, and Charles Girondin judges of the Court of Common Pleas. Peter Audrain became prothonotary and court recorder; all except Audrain had served as petty justices under the British. Many civilian officeholders also occupied military posts; May, McDougall, and Navarre served as county militia captains. When Sargent appointed Audrain to the Probate Court, he lamented the "difficulties of finding suitable Characters to fill the civil offices of the country."

Many such "Characters" proved to be sound choices. Seventy-year-old Peter Audrain, surpassed the rest in plural officeholding, and retained posts until 1819; his neat handwriting and uncommon attention to form and detail suggest a meticulous man well-versed in the common law writ system. Audrain later conducted the first census in 1798 so that Wayne County might claim representation in the second stage of territorial government. Legend has it that, at age 79, Audrain rescued the Court of Common Pleas records from the devastating Detroit fire of 1805 by dragging them to safety. During the War of 1812, when the British occupied the city, he protected Supreme Court records from fire and theft. Audrain could also be tyrannical: during a 1799 dispute that led to the cancellation of the December session of the Court of Common Pleas, Audrain's enemies called him "the Chief Director of all the Factions, mischeifs [sic], and dissensions which have risen in Detroit." Nicknamed by his enemies as "Monsieur Talleyrand," they published a ferocious remonstrance against his complicity in judicial tyranny, cast in the tropes and cadences of republican revolution.

Still, more than one federal official thought that tyrannical judges might be better than no judges. As early as August 1796, Secretary of the Treasury Pickering urged territorial officers to establish legal authority quickly. Amidst turmoil, Pickering urged that law be "extend[ed] to our new fellow citizens the protection and benefits of the laws of the Territory... Until such provisions shall be made, how will crimes be prevented or punished or injury redressed?" In a common law society, everyone had a right to law, which among Englishmen was the premiere liberty. That right found powerful expression in the Constitution and the Northwest Ordinance. Sargent's designations landed him in court on charges (in Sargent's words) of "exercising the Governour's [sic] functions." Even as he acted as governor, St. Clair had returned to the territory, although not to Detroit. During the summer of 1796, St. Clair chastised Sargent by letter for usurpations of gubernatorial power, including physical removal of the territorial seal. Sargent defended his actions as "indispensably incumbent." St. Clair rightly noted that, if both of them sat concurrently as governor, "of course the acts of one must be void." But St. Clair, who never found reason to visit Detroit, did not pursue the matter. Although Sargent's appointments were technically illegal, the struggling government chose to honor them.

Wayne County's new court structure and approaches to law reflected two competing theories of jurisprudence. One school hoped, in keeping with republican political theory, to liberate American law "from the shackles of common law precedent" and make it more consonant with community sentiment. The other viewed judge-made law as the embodiment of morality and a necessary offset to the inevitable excesses of legislative process. Territorial Judges Parson and Varnum, educated at Harvard and Brown respectively, observed in 1788 that the common law rested on "principles of monarchial government," and so promoted reliance upon legislative authority. Indeed, in 1790, Symmes and Turner flatly informed Sargent that the "common law, alone, will not answer." St. Clair, by contrast, thought that while law should be adapted to the needs of the territory,

municipal rules “must be guided by the common law.” He believed that judges had no authority to ‘knit’ laws together from various statutes or to abandon past practice. He condemned judicial legislation as “the very definition of tyranny,” advocated a literal reading of constitutional texts, urged retention of the English writ system, and said repeatedly that a fulsome defense of property underlay all other kinds of freedom. He also distrusted what he called, “illiterate” justices of the peace whose opinions would, “frequently be contrary to law--perhaps very absurd.”

With reception of the common law in 1795, St. Clair’s vision apparently had won, at least for a time. The judicial structures adopted by Sargent in 1796, originated in the old English circuit court system, and a number of Sargent’s appointees had served in British court. Lawmakers, however, supplemented old rules of practice with a new code, called Maxwell’s Code.

The new court system had several flaws that came back to haunt residents in later years, especially wealthy speculators. The Articles of Confederation, under which the Northwest Ordinance was passed, made no provision for a general federal judiciary. When the 1789 Constitution went into effect, not only did it technically make the Ordinance illegal, but it also failed to include a clause by which appeals would be heard from the territorial courts to the Supreme Court. St. Clair noted that “perhaps nothing... contributes more to induce an affectionate Submission to any power, than the habit of looking up to that power [national government] as the depository and dispenser of Justice in the last resort.” A Congressional committee in 1803 rebuffed St. Clair’s pleas in a report stating that “the right of appeal would sometimes be made use of as an instrument of vexation & oppression” because of vast physical distances between the inferior and superior courts. Also in 1803, the Supreme Court itself decided which cases it would hear on writs of error from the territories in Clarke v. Bazadone. The Court quashed a writ of error issued from the territorial general court arguing that they could not take cognizance because Congress had not authorized an appeals process. Thus, the general court remained the highest court in the Territory.

Detroiters occupied a rough and tumble frontier. Adaptations and deviations from tradition became inevitable. Settlement would not occur without security in liberty, yet freedom did not mean licentiousness. Historian Elizabeth Gaspar Brown found that, well into the new century, territorial residents adhered to established law practice by faithfully replicating ancient forms and procedures. This is a phenomenon that legal scholar John Phillip Reid finds along every western trail. The first American cases featured handwritten forms; by December of 1796, printed writs appeared, as if to affirm the importance and ongoing force of tradition.

Yet Clerk of Court Audrain confronted dizzying social change. His painstaking alterations of printed forms to reflect frequent shifts in the structure of counties, cities, and adjoining states betrayed both an eye for detail and a desire to maintain order through exacting applications of law. More than one thousand surviving case files of the pre-1805 Court of Common Pleas made clear that Wayne County residents relished both risk and conflict. Dockets bristled with actions of debt in which creditors demanded the performance of contracts ranging from one dollar to many hundreds. As often as not, nonperformance mirrored a currency and capital scarce society rather than simple debt evasion. In Detroit, hard currency went to pay debt with Montreal traders, and while merchants could issue their own paper money, the practice promoted financial instability. Many contracts specified repayment in “lawfull money of this United States,” and such money was scarce if not altogether absent. Counterfeiting was rampant and depressions frequent. Among champions of the common law, courts served as a first line of defense against economic chaos.

To make matters worse, from 1796 to 1798, the Detroit bar consisted of only two attorneys: Ezra Freedman, who had practiced under the British, and Solomon Sibley, a graduate of Brown University and member of the Massachusetts’s bar. Requirements for practice changed several times between 1796 and 1804; lawyers first changed the rules in the direction of stringency, and then toward laxity. A 1792 statute required the attorney to have “good moral character,” and to “pass an examination of his professional

abilities before one or more of the territorial judges.” By 1799, a more restrictive measure required a four year apprenticeship and one year residency, certification by two general court judges verifying competence and morality, and certification of knowledge by a practicing lawyer. In 1799, the territory also began keeping records of candidates examined and admitted to the bar as attorneys and counsellors in the tradition of the old English division of the bar into two sides. Only counsellors could enter motions or plead in general court. Not until 1803-04 did Michiganders relax the apprenticeship and residency requirements.

After 1798, the citizenry, according to historian F. Clever Bald, “became dissatisfied with what they considered an arbitrary form of government and began to demand a voice in making the laws under which they lived.” This limited move toward popular sovereignty apparently unnerved St. Clair, who still perceived a shortage of fit “Characters” in the territory. Peter Audrain also noted ongoing difficulty in “finding Men fit to represent the Country in general assembly.... The best informed, in general, are the British Subjects, by their own election, not eligible, and I do not know one Single Canadian who understands English enough to be a representative.” By a slim margin, a nasty campaign resulted in the election of Solomon Sibley to the legislature.

In 1802, in a quest for statehood, Ohio seceded from the Northwest Territory. Wayne County lost its territorial representation. The new territorial capital, Vincennes, was twice as far as Cincinnati. Wayne County residents feared neglect. Thus, in early 1803, leaders circulated a petition signed by 311 men asking that Wayne County be recognized as a separate territory. Senator Thomas Worthington who presented the petition to the Senate wrote a favorable report and drew up a bill. The petition, however, failed.

Only in 1804 did events begin to accelerate. Dismissing fears of neglect, Governor William Henry Harrison, who succeeded St. Clair, and Territorial Judge John Griffin arrived in Detroit. It remains unclear whether Griffin held a circuit court. This

marked a territorial governor’s first visit and only the second visit by a territorial judge. In October, the Democratic Republicans of Wayne County again argued the necessity of separation from the Indiana Territory. Senator Worthington presented the second petition to the Senate on December 6, 1804. Finally, after two years of tenacious labor, President Thomas Jefferson approved an act dividing the territory. He created the Michigan Territory on January 11, 1805. The borders generally coincided with those of Wayne County, although they excluded a greater proportion of the Upper Peninsula. Detroit became the territorial seat.

Implementing a frontier judiciary in the face of such adversity required courage and dedication. During Wayne County’s first decade, a diverse population struggled with the invention of self-government, political tensions, economic hardship and competing visions of law’s proper role in a republic. Few of these tensions achieved resolution. Early Michiganders took long strides toward articulating a new agenda, posing questions and resolving nettlesome problems in the absence of adequate resources. It was clear that frontiersmen would not tolerate “tyranny” on the bench or anywhere else, a direct legacy of the American transition from monarchism to republicanism. Ironically, it was also clear that Americans were prepared to tolerate a certain amount of rule tweaking and illegality to secure a greater good.

Detroit’s earliest settlers, then, seemed to inhabit two frontiers--the physical landscape and a legal frontier as men struggled to determine how law should govern. Neither St. Clair’s vision of a natural political hierarchy seeking to preserve the English common law legacy nor the opposition’s notion of pure legislative democracy adaptable to a rapidly changing society reigned supreme. At the turn of the nineteenth century, compromise emerged among territorial governors and their constituents. Common law would shape the structure and basic content of legal administration while the community’s own agenda would provide substance, softening the common law in the direction of equity and justice.

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*Editor's Note: Yvonne Pitts is a graduate student at Wayne State University. Her studies focus on the legal history of the Early Republic and colonial history. She thanks Judge Avern Cohn for inspiring the research and Dr. Sandra VanBurkleo for her support and mentorship.*

## Historical Society Announces 1998 Essay Prize in Court History

The Court Historical Society announced the 1998 competition for the best manuscript on the legal history of the U.S. District Court for the Eastern District of Michigan, its judges or its decisions and their impact on the state of Michigan. The Otis M. Smith Prize carries a cash award of \$1,000. Upon recommendation of the prize committee, the winning essay will be published by the Society in *The Court Legacy*. Authors are encouraged to explore topics that illuminate the contributions of the Court to the social, political, economic, and cultural history of Michigan, or to the development and evolution of the Court itself.

Otis Milton Smith was born in Memphis, Tennessee in 1922. He attended Fisk University and Syracuse University. He earned his LL.B. degree from Catholic University Law School, Washington, D.C. in 1950. His long career as public and private lawyer included public service to the people of Michigan in both elected and appointed capacities including Associate Justice of the Supreme Court of Michigan, member of the governing boards of the University of Michigan and of Oakland University; member and chairman of

the Michigan Public Service Commission; and Michigan Auditor-General. In each of these capacities Smith was the first African-American to be so elected or appointed. He served as Vice President and General Counsel of the General Motors Corporation and consultant to the Detroit law firm Lewis, White and Clay. In naming the Essay Contest after Justice Smith, the Historical Society seeks to memorialize his contributions on policies and programs to implement the mission of the Society.

To qualify for the 1998 competition, submissions must be 25-75 pages in length and postmarked no later than June 1, 1998. For information contact Peggy Brann (313) 234-5049.

### We Stand Corrected

In the Spring 1997 issue we incorrectly gave the date of Chief United States District Court Judge Anna Diggs Taylor's appointment as 1970. The correct date is 1979. We also reported that she attended Bernard College. The correct name is Barnard College.